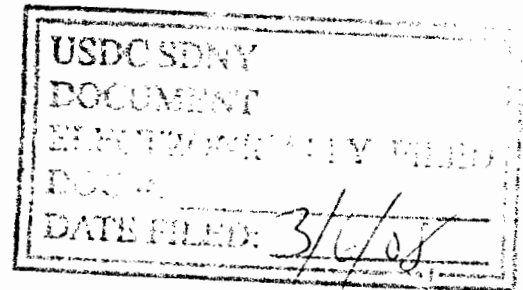


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March 3, 2008

The Honorable Judge Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
500 Pearl Street 10007

James Lastra v. Columbia University 07 civ 7479  
Re: Request for extension of time for Plaintiff to Reply to  
Defendant's Counsel, Laura Barbieri's late Opposition  
Reply to Plaintiff's Motion to Strike

Dear Magistrate Gorenstein:

As the Court is aware I am the Plaintiff pro se in the above entitled action. I write the Court requesting an extension of time to reply to Defendant's counsel, Laura Barbieri's late Opposition reply to Plaintiff's Motion to Strike ; which was filed late and not properly served upon the Plaintiff - Plaintiff did not receive it until January 17<sup>th</sup>, 2008.

Plaintiff has already contacted the Defendant's counsel pursuant to the pre-requisite of your Honor's individual practices. Defendant's counsel was unavailable initially but later contacted me in the afternoon on Tuesday. Defendant's counsel, Ms. Laura . Barbieri, has stated that she does not oppose Plaintiff's request for an extension but leaves it to the Court's discretion.

Plaintiff contemplates that his reply to Defendant's counsel Opposition reply to Plaintiff's Motion to Strike will not be completed by the deadline issued by the Court of March 10, 2008.

**It is important to point out that until today, Plaintiff had been proceeding, since the issuance of your Honor's order on Feb. 11<sup>th</sup> 2008, under the mistaken belief that his reply to Defendant's Opposition Reply to Plaintiff's Motion to Strike was due on March 24, 2008.**

The actual mix up of dates took place when the fax of the 2 orders was originally transmitted on Feb. 11th. Plaintiff submitted a previous letter today, March 5<sup>th</sup>, regarding an extension request for his reply to Defendant's Motion for a Protective Order, but in the

previous letter, as aforementioned, misunderstood the deadline date as March 24<sup>th</sup>, 2008 for his reply to Defendant's Opposition Reply to Plaintiff's Motion to Strike. Today it was pointed out by the Court's clerk that March 10<sup>th</sup> is the deadline date for Plaintiff's reply to Defendant's late reply to Plaintiff's motion to strike for 07 civ 7479.

Because of the mix up with the 2<sup>nd</sup> pages of the Court's faxed respective orders, Plaintiff, until today, **mistakenly believed** the deadline for Plaintiff's reply to Defendant's Opposition to Plaintiff's Motion to Strike was due March 24<sup>th</sup> rather than the correct due date of March 10<sup>th</sup>, 2008 and requires additional time. Nevertheless the need and reasons for the extension remain. The reasons for the requested extension are set forth below:

Plaintiff is an impoverished, *en forma pauperis*, pro se plaintiff with health problems<sup>1</sup> and no resources; severely handicapping his ability to address simultaneous motions and replies. Plaintiff does not have a computer and must either must borrow one to prepare his documents or go to an outside public service at the library. **Plaintiff requires additional time to research fact and law to prepare an adequate response to Defendant's Opposition reply which makes multiple requests for dispositive relief of Plaintiff's State complaint.**

Plaintiff will be harmed and suffer irreparable damage if not granted additional time to prepare his response to counter the dispositive relief the Defendant is requesting.

Doing the legal research myself takes more time since I am preparing these documents alone **without any assistance** and must go to a Law Library and do the research manually, unlike the Defendant's counsel who is an attorney who specializes in complex litigation, has a legal staff at her disposal and access to the full services of electronic legal search databases such as Lexis- Nexis and Westlaw at her fingertips. **Moreover, the complex motion practice now underway would prove overwhelming to any pro se Plaintiff.**

There are **more than 5 motions** and replies that Plaintiff must address within the same timeframe **and proximate to the same timeframe.**<sup>2</sup>

<sup>1</sup> Plaintiff has a seizure disorder which is exacerbated by stress and also another physical handicap that requires surgery; this has already been documented to the Court. The stress of the complex motion practice created by the defendant has affected Plaintiff's seizure disorder.

<sup>2</sup> Plaintiff must reply to 1) Ms. Barbieri's late answer to Plaintiff's Remand motion in violation of rule 6(b)(2); 2) her late reply to my Motion to Strike her late reply and Answer in violation of FRCP 6 (b)(2); 3) her late Motion for a Protective Order in violation of rule 6(b)(2), my reply due March 10, 2008; 4) Plaintiff, also, simultaneously has a reply to Ms. Barbieri's opposition due before Judge Barbara S. Jones due on March 10, 2008; 5) The previous week, Plaintiff also had to research and respond to another motion in State Court due February 28, 2008 - this motion by another Defendant, which was for 07civ 7479, should have been filed in Federal Court and because filed it was improperly filed plaintiff was compelled to reply; 6) Plaintiff must also submit a motion to the Court regarding his appeal in the Appellate division of New York State Court.

Plaintiff must submit a reply to Defendant's counsel Opposition Reply to a Motion which is now before Judge Barbara Jones on March 10, 2008 the same date as a this reply due to your Honor for case no. 07civ 7479. Plaintiff will require an extension of time of 20 days for this aforementioned motion -- Plaintiff only discovered the mix up of deadlines today when he spoke with the Courts law clerk and he corrected Plaintiff's misunderstanding.

Moreover, the previous week, on Feb. 28<sup>th</sup>, Plaintiff was also compelled to dedicate his time to reply to an improperly filed Motion in State Court which should have been filed by another opposing party in Federal Court, for File no. 07civ 7479, since the case was removed already.

Plaintiff requires additional time to research fact and law and prepare an adequate reply against the Defendant' assertions.

Also in Haines VS. Kerner, 404 USS 519; 1972. the US Supreme Court ruled that the court shall allow procedural time for pro se litigants.

Wherefore for the reasons set forth herein above and in accordance with U.S. Supreme Court precedent, Plaintiff respectfully requests the Court grant Plaintiff an additional 20 days until March 30<sup>th</sup>, 2008 to reply to Defendant's Opposition Reply to Plaintiff's Motion to Strike.

cc: Laura Barbieri Esq.  
Schonover, Upolice & Kander  
(212) 661-5030

Respectfully submitted,

*James Lastra*  
James Lastra / Pro se Plaintiff

*Gratal.*

SO ORDERED. DATE *3/5/2008*  
*Gabriel W. Gordonstein*  
GABRIEL W. GORDONSTEIN  
UNITED STATES MAGISTRATE JUDGE